

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

EDWARD EUGENE BAYS, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-01564

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the Court are Plaintiff's Brief in Support of Judgment on the Pleadings, (ECF 12), and Defendant's Brief in Support of Defendant's Decision, (ECF 13). By Standing Order entered on April 8, 2013, and filed in this case on February 2, 2014, this action was referred to United States Magistrate Judge Cheryl A. Eifert for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF 4.) Magistrate Judge Eifert filed her PF&R on January 30, 2015, which recommends that this Court deny Plaintiff's request for judgment on the pleadings, (ECF 12), grant the request of the Commissioner of the Social Security Administration ("Commissioner") for judgment on the pleadings, (ECF 13), affirm the decision of the Commissioner denying Plaintiff's applications for a period of disability and disability insurance benefits and supplemental security income, dismiss this case with prejudice, and remove this matter from the Court's docket.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to

which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R in this case were due by February 17, 2015. To date, no objections were filed.

Accordingly the Court **ADOPTS** the PF&R, **DENIES** Plaintiff's request for judgment on the pleadings, (ECF 12), **GRANTS** the Commissioner's request for judgment on the pleadings, (ECF 13), **AFFIRMS** the decision of the Commissioner, **DISMISSES** this action with prejudice, and **ORDERS** that this case be removed from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTERED: February 23, 2015



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE